IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	ITED STATES OF AMERICA,	0 N I 0 400000				
	Plaintiff,	Case Number 8:12CR383				
	vs.)) DETENTION ORDER)				
CC	RY D. GRAY,					
	Defendant.					
A.	. Order For Detention After the defendant waived a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).					
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 					
C.	that which was contained in the Pretrial X (1) Nature and circumstances of X (a) The crime: (Count I) D is a serious crime and imprisonment, (Count crime and carries a mand (Count III) Posses More Cocaine Base is penalty of 40 years im penalty of 40 years im (b) The offense is a crime (c) The offense involves a	Distribution 28 Grams or More Cocaine Base carries a maximum penalty of 40 years II) Distribution of Cocaine Base is a serious aximum penalty of 20 years imprisonment, asion with Intent to Distribute 28 Grams or a serious crime and carries a maximum prisonment. The of violence is a maximum prisonment.				
	may affect wh	· · · · · · · · · · · · · · · · · · ·				

DETENTION ORDER - Page 2

X X 	The defendant has no steady employment. The defendant has no substantial financial resources. The defendant is not a long time resident of the community. The defendant does not have any significant community ties. Past conduct of the defendant:		
<u>X</u>	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. me of the current arrest, the defendant was on:		
	Probation		
(c) Other F	Parole Supervised Release Release pending trial, sentence, appeal or completion of sentence.		
(c) Other Fa	The defendant is an illegal alien and is subject to		
	deportation.		
	The defendant is a legal alien and will be subject to deportation if convicted.		
	The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:		
X (4) The nature and	d seriousness of the danger posed by the defendant's		
release are as follows:			
History of non-compliance with probation. Prior conviction - felon in possession of firearm (2005).			
<u> possession or</u>	meann (2003).		
X (5) Rebuttable Pr	esumntions		
In determining relied on the formula specific sp	that the defendant should be detained, the Court also sollowing rebuttable presumption(s) contained in 18 U.S.C. In the Court finds the defendant has not rebutted: condition or combination of conditions will reasonably the appearance of the defendant as required and the fany other person and the community because the Court at the crime involves: (1) A crime of violence; or (2) An offense for which the maximum penalty is life		

DETENTION ORDER - Page 3

			imprisonment or death; or
	<u>X</u>	(3)	A controlled substance violation which has a
			maximum penalty of 10 years or more; or
		(4)	A felony after the defendant had been convicted of
			two or more prior offenses described in (1) through
			(3) above, and the defendant has a prior conviction
			for one of the crimes mentioned in (1) through (3)
			above which is less than five years old and which
			was committed while the defendant was on pretrial
			release.
<u>X</u> (b)	That no	con	dition or combination of conditions will reasonably
	assure	the a	appearance of the defendant as required and the
	safety of the community because the Court finds that there is probable cause to believe:		
	<u>X</u>	(1)	That the defendant has committed a controlled
			substance violation which has a maximum penalty of
			10 years or more.
		(2)	That the defendant has committed an offense under
			18 U.S.C. § 924(c) (uses or carries a firearm during
			and in relation to any crime of violence, including a
			· · · · · · · · · · · · · · · · · · ·
			crime of violence, which provides for an enhanced
			crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 26th day of November, 2012.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge